

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

**F048665      Bakersfield Elementary Teachers Association v. Bakersfield City School District et al.**

Cause called and argued by Barrett K. Green, Esq., counsel for appellants and by Thomas J. Driscoll, Esq., counsel for respondent. Cathie L. Fields, Esq., counsel for amicus CSBA for appellants waived oral argument. Joseph R. Colton, Esq., counsel for amicus California Teachers Assoc. for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Thursday, November 16, 2006, at 11:00 A.M.

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**F049230      County of Fresno v. Colin Kooyumjian**

The judgment of nonsuit is reversed. The matter is remanded to the trial court with instructions to (a) rule on the motion as a motion pursuant to Code of Civil Procedure section 631.8 (motion for judgment); (b) if the court rules in favor of moving party (Kooyumjian), it shall permit either party to file a request for a statement of decision as provided in Code of Civil Procedure sections 632 and 634; (c) if the motion is granted, enter judgment pursuant to the provisions of code of Civil Procedure section 631.8; and 9(d) if the motion is denied, proceed accordingly. Each party to bear their own costs on appeal. Harris, Acting P.J.

We concur: Wiseman, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F049071      People v. Ward**

The judgment is affirmed. Harris, Acting P.J.

We concur: Wiseman, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F051300      In re Jesse W., a Minor**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F048442      People v. Peyron  
F048590      People v. Peyron**

As to appellant's convictions and sentences imposed in case Nos. 118419, 137650, 139981 and 142837 the judgment is affirmed. As to appellant's conviction and the sentence imposed in case No. 112106 the judgment is reversed and the matter is remanded to the trial court for further appropriate proceedings. Harris, Acting P.J.

We concur: Hill, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F048519      Rankin v. Valverde**

Appellant's petition for rehearing filed herein is denied.

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**F048509**      **Hamburger et al., v. Frankenberger et al.**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F048408**      **People v. Garcia**

The judgment is affirmed. Levy, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F049749**      **In re T. S., Jr., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F049749**      **In re T. S., Jr., a Minor**

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]